

**20664. Adulteration of blue poppy seed, cumin seed, and mustard seed. U. S. v. 4 Bags of Blue Poppy Seed, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 28708, 28709, 28858. Sample nos. 1585-A, 1586-A, 1587-A, 1770-A.)

These actions involved interstate shipments of quantities of blue poppy seed, cumin seed, and mustard seed that contained rodent excreta. The cumin seed was also insect-infested.

On August 17, 1932, and September 10, 1932, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 4 bags of blue poppy seed, 1 bag of cumin seed, and 5 bags of mustard seed, remaining in the original unbroken bags at Portland, Oreg., alleging that the articles had been shipped in interstate commerce on or about March 17, 1931, April 17, 1931, and June 1, 1932, respectively, by the Atlantic Sales Corporation, from Philadelphia, Pa., to Portland, Oreg., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libels that the articles were adulterated in that they consisted in whole or in part of filthy vegetable substances.

On January 13, 1933, and February 27, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20665. Adulteration of pears. U. S. v. 20 Boxes of Pears. Default decree of condemnation and destruction.** (F. & D. no. 29716. Sample no. 25834-A.)

This action involved the interstate shipment of a quantity of pears that were found to bear arsenate of lead in an amount which might have rendered the article injurious to health.

On October 28, 1932, the United States attorney for the District of Montana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 20 boxes of pears at Helena, Mont., alleging that the article had been shipped in interstate commerce on or about September 23, 1932, by Ira Cleveland, from Yakima, Wash., to Helena, Mont., and charging adulteration in violation of the Food and Drugs Act. The boxes were labeled in part: "Fancy D'Anjou. Packed and Shipped by Roche Fruit & Produce Co., Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained an added poisonous ingredient, arsenate of lead, which might have rendered the article injurious to health.

On December 29, 1932, no claimant having appeared for the property, judgment of condemnation was entered and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20666. Adulteration and misbranding of canned tomato paste. U. S. v. 3 Cases of Tomato Paste. No claim entered. Verdict for the Government. Decree of condemnation and destruction, with provision that goods might be delivered to a charitable institution.** (F. & D. no. 28681. Sample no. 13303-A.)

This action involved the interstate shipment of a product represented to be tomato paste, but which consisted of a tomato product insufficiently concentrated to be designated as tomato paste. Examination also showed that certain of the cans were short weight.

On August 19, 1932, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 3 cases of tomato paste at Alexandria, La., alleging that the article had been shipped in interstate commerce, on or about June 28, 1930, by the Uddo-Taormina Corporation, from Crystal Springs, Miss., to Alexandria, La., and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. On August 23, 1932, an amended libel was filed, praying that the original libel be changed to read "Thirty cases" instead of "three cases", which amendment was allowed. The article was labeled in part: "Buffalo Brand Tomato Paste \* \* \* Net Contents 5 Ounces. Packed by Uddo-Taormina Corp. New Orleans, La."

It was alleged in the libel as amended that the article was adulterated in that it consisted of an insufficiently condensed, strained tomato product.

Misbranding was alleged for the reason that the statements, "Tomato Paste" and "Net Contents Five Ounces", were false and misleading and deceived and misled the purchaser, since the article consisted of an insufficiently condensed, strained tomato product and was short weight. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was incorrect.

On January 24, 1933, no claimant having appeared for the property and a jury having found that the allegations of the libel were true and correct, judgment of condemnation was entered and it was ordered by the court that the product be destroyed, or that it might be delivered to a charitable institution in lieu of destruction.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20667. Adulteration of Brazil nuts. U. S. v. 45 Bags of Brazil Nuts. Product released under bond for separation and destruction of decomposed portion. (F. & D. no. 29591. Sample no. 23942-A.)**

This case involved an interstate shipment of Brazil nuts that were in part insect-infested, rancid, and moldy.

On December 5, 1932, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 45 bags of Brazil nuts, remaining in the original and unbroken packages at St. Louis, Mo., alleging that the article had been shipped in interstate commerce on or about October 22, 1932, by W. R. Grace & Co., from Brooklyn, N. Y., to St. Louis, Mo., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy and decomposed vegetable substance.

The L. Cohen Grocery Co., St. Louis, Mo., entered an appearance and claim, admitting the allegations of the libel and representing that a portion of the product was suitable for consumption as food and could be separated from the unfit portion. On December 17, 1932, judgment was entered, ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned that the decomposed nuts be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20668. Adulteration of powdered whole egg. U. S. v. 48 Barrels and 103 Barrels of Powdered Whole Egg. Product released under bond for separation and destruction of decomposed portions. (F. & D. nos. 29115, 29244. Sample nos. 11019-A, 11020-A.)**

These actions involved the interstate shipment of quantities of powdered whole egg that was in part decomposed.

On October 24, 1932, and November 7, 1932, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid libels praying seizure and condemnation of 151 barrels of powdered whole egg, remaining in the original and unbroken packages at Jersey City, N. J., alleging that the article had been shipped in part on or about April 30, 1932, and in part on or about May 17, 1932, by the Kraft-Phenix Cheese Corporation, from Denison, Tex., to Jersey City, N. J., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Barrels) "Powdered Whole Egg \* \* \* Manufactured by Kraft-Phenix Cheese Corp."

It was alleged in the libels that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On November 16, 1932, the Kraft-Phenix Cheese Corporation, Denison, Tex., interposed a claim admitting the allegations of the libels and consenting to the entry of decrees condemning the product, and on the same day judgments were entered ordering that the goods be released to the claimant upon payment of costs and the execution of bonds totaling \$7,500, conditioned in part that the decomposed portion be segregated and destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*